



STATE OF IDAHO

**IDAHO DEPARTMENT OF
ENVIRONMENTAL QUALITY**

1410 North Hilton, Boise, ID 83706, (208) 373-0502

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

September 12, 2006

Mayor Roger Chase
City of Pocatello
PO Box 4169
911 North 7th Ave
Pocatello ID 83205

Mayor Steven England
City of Chubbuck
PO Box 5604
5161 Yellowstone
Chubbuck ID 83202

Commissioner James Guthrie
Bannock County
130 N. 6th Avenue, Suite C
Pocatello ID 83201

Mr. Ed Bala
Idaho Transportation Department
PO Box 4700
Pocatello ID 83204

RE: DRAFT 401 Water Quality Certification for Pocatello and Chubbuck cities, Bannock County and Idaho Transportation Department District 5 Municipal Separate Storm Sewer Systems (MS4s) NPDES Permit No. IDS-028053

Dear Co-Permittees:

The Idaho Department of Environmental Quality (DEQ) has reviewed the proposed final MS4 NPDES permit No. IDS-028053 for the Cities of Pocatello and Chubbuck, Bannock County and ITD District 5 (co-permittees). DEQ has set forth below a DRAFT 401 certification for the permit that will authorize the co-permittees to discharge municipal storm water to the Portneuf River, Pocatello Creek and other associated waters of the United States.

DEQ has worked closely with the co-permittees and EPA to ensure appropriate conditions are included in the permit to protect water quality. DEQ feels EPA has included in the proposed final permit those conditions necessary for DEQ to provide a certification under section 401 of the Clean Water Act and applicable state law. You will note, therefore, that the draft certification does not include any additional conditions. Comments regarding this draft certification should be addressed to Lynn Van Every, Pocatello Regional DEQ at (208) 236-6160.

September 12, 2006

Page 2

DRAFT 401 CERTIFICATION

Based on the Department's review of the referenced permit, DEQ certifies, pursuant to the provisions of Section 401 of the Federal Water Pollution Control Act (Clean Water Act) as amended, 33 USC Section 1341, and Idaho Code Sections 39-101 et. seq., and 39-3601 et. seq., that if the co-permittees comply with the terms and conditions as written in Permit No. IDS-028053, then there is a reasonable assurance that the authorized discharges of storm water will comply with applicable requirements of Sections 301, 302, 303, 306 and 307 of the Clean Water Act.

Water quality certification provided herein may be revoked for failure of the co-permittees to comply with the conditions of the referenced permit and/or requirements contained herein. IDEQ shall provide notice of its intent to revoke, and provide an opportunity for a contested case, prior to revocation.

This section 401 certification may be appealed by submitting to IDEQ a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the Rules of Administrative Procedure Before the Board of Environmental Quality IDAPA 58.01.23, within 35 days of the date of this letter.

Sincerely,

A handwritten signature in black ink that reads "Barry N. Burnell". The signature is written in a cursive, flowing style.

for Mark Dietrich
Regional Administrator

MD:BNB:bmm

c: Misha Vakoc, USEPA Seattle Region 10 Stormwater Coordinator